Shamet, Stefania

From:

Martin, Steven M IWR@NAO <Steven.M.Martin@usace.army.mil>

Sent:

Tuesday, December 17, 2013 8:20 AM

To:

Shamet, Stefania; david.kaplan@usdoj.gov

Subject: Attachments: FW: Smith Farm Wetland Delineation Confirmation (UNCLASSIFIED)

datapoints - Smith Farms - 24 Oct 2013.kmz; Smith Farms - farm field datapoints from 24 Oct

3

2013.pdf

Non-responsive

-----Original Message-----

From: Knepper, David A NAO

Sent: Tuesday, December 17, 2013 7:53 AM

To: Jim Cahoon

Cc: Martin, Steven M IWR@NAO; Jim Boyd (jim@boydlaw.org)

Subject: RE: Smith Farm Wetland Delineation Confirmation (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Hi Jim,

Sorry for not getting this to you sooner (see attached).

Per the NRCS hydrology tool for evaluating remote sensing data I would generally do a rainfall analysis to document precip trends prior to each available aerial photo date. Similarly, to address user cautions in the Regional Supplement for different field indicators of wetland hydrology (e.g., dry season water table), I would also review local precip data to determine whether there was unusual rainfall activity prior to our field visit. However for this project it did not appear that such analyses would clarify the wetland determination at any of the 4 datapoints so I decided to not do them.

Happy holidays,

Dave

U.S. Army Corps of Engineers 803 Front Street Norfolk, VA 23510-1096

phone (757) 201-7488 fax (757) 201-7678

david.a.knepper@usace.army.mil

----Original Message-----

From: Jim Cahoon [mailto:jim@bay-environmental.com]

Sent: Friday, December 13, 2013 9:37 AM

To: Knepper, David A NAO

Cc: Martin, Steven M IWR@NAO; Jim Boyd (jim@boydlaw.org)
Subject: [EXTERNAL] Smith Farm Wetland Delineation Confirmation

David,

We are finalizing the mapping for the Smith Farm wetland delineation confirmation request as we now have surveyed information back. The intent is to prepare one single graphic for the property for confirmation, and as such, we have compiled our information with both Chuck Wolfe's delineation(s) and with the consent order information, and will be hoping to submit the exhibit to you by the end of next week.

Have you had a chance to transcribe the data points that we all collected during our site visit?

Thanks,

Jim Cahoon
Bay Environmental, Inc.

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE



Google Earth Pro

feet 2000 meters 700

A

2011 color IR aerial

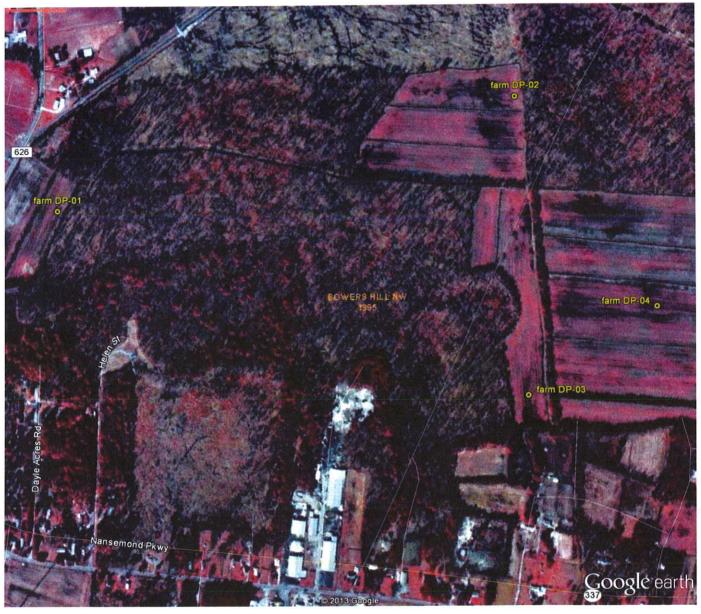


Google Earth Pro

feet 2000 meters 700

A

2009 color IR aerial



Google Earth Pro

feet 2000 meters 700



1994 color IR aerial

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Smith Farms NAO-1998-02184 (98-R5657		Sampling Date: 24 Oct 2013						
Applicant/Owner: Smith Farms Enterprises or Boyd &	State: VA	Sampling Point: DP-01						
	Sectio							
Landform (hillstope, terrace, etc.): Mineral soil flat								
Subregion (LRR or MLRA): T	36.824218°	Long	-76.463927°	Datum: WGS84				
Soil Map Unit Name: Weston fine sandy loam (Type	c Endoaquilts)	Eorig.	MIAU alasaifi	nation: Not mapped as wetland				
Soil Map Unit Name: Weston The saidy lotan (17)	C Lindaquita)		IVVI CIASSIII	Sauce de la				
Are climatic / hydrologic conditions on the site typical								
Are Vegetation Y, Soil Y, or Hydrology Y				present? Yes No ✓ _				
Are Vegetation $\underline{\underline{N}}$, Soil $\underline{\underline{N}}$, or Hydrology $\underline{\underline{N}}$	naturally problema	tic? (If needed	, explaín any answ	ers in Remarks.)				
SUMMARY OF FINDINGS - Attach site	map showing sam	pling point locat	ions, transect	s, important features, etc.				
				00000444 (maga 1980000), 1980999 (maga 1980000) (maga 1980000), maga maga maga maga maga maga maga mag				
	_ No	Is the Sampled Area	ı					
· ·	No	within a Wetland?	Yes	No ✓				
	No _ ✓	·····						
Remarks:				Olat takan mithin aatina aranjand sa				
Plot taken along E edge of active cropland in only area that had questionable hydrology signatures on recent aerial photography. Plot taken within active cropland so vegetation manipulated (planted with soybeans) and soil disturbed (well-developed plow zone). Local onsite hydrology has been manipulated (field crowning and associated ditches) since prior to the CWA. Chapter 5 of the Regional Supplement & Atypical Situations are applicable. Per Lake Kilby data the precipitation for August was just above the 30th percentile and for September was well below the 30th percentile.								
HYDROLOGY								
Wetland Hydrology Indicators:			Secondary Indic	ators (minimum of two required)				
Primary Indicators (minimum of one is required; che	ck all that apply)		Surface So	l Cracks (B6)				
Surface Water (A1) A	quatic Fauna (B13)		Sparsely Ve	Sparsely Vegetated Concave Surface (B8)				
High Water Table (A2)	larl Deposits (B15) (LRF	₹ U)	Drainage P	Drainage Patterns (B10)				
Saturation (A3)	lydrogen Sulfide Odor (C	21)		Moss Trim Lines (B16)				
Water Marks (B1) C	xidized Rhizospheres a	long Living Roots (C3)	Dry-Seasor	Dry-Season Water Table (C2)				
Sediment Deposits (B2)	resence of Reduced Iron	n (C4)	Crayfish Bu	Crayfish Burrows (C8)				
Drift Deposits (B3)	ecent Iron Reduction in	Tilled Soils (C6)		Visible on Aerial Imagery (C9)				
	hin Muck Surface (C7)			c Position (D2)				
1	ther (Explain in Remark	s)	•	Shallow Aquitard (D3)				
Inundation Visible on Aerial Imagery (B7)			FAC-Neutra					
Water-Stained Leaves (B9)			Spnagnum	moss (D8) (LRR T, U)				
Field Observations:	' N/A			•				
	Depth (inches): N/A		•					
	_ Depth (inches): N/A		t tte almota ana Duana	mas Van Ala V				
Saturation Present? Yes No✓ (includes capillary fringe)	Depth (inches):N/A	Wettand	Hydrology Prese	ent? Yes No <u>√</u>				
Describe Recorded Data (stream gauge, monitoring	ywell, aerial photos, pre	vious inspections), if a	vailable:	anne de de mentre de la compansión de la compansión de la compansión de compansión de la compansión de la late				
Remarks:	•							
C9 is not applicable because this indicator re	equires on-site verific	cation that saturatio	n signatures see	n on photos correspond to				
hydric soils or other evidence of a seasonal			io obvious depre	essions, stunted crops, or any				
other field indicator that would correspond t	o the aerial signature	was observed.						
No listed field indicators of wetland hydrolo	gy were observed du	aring the field visit.						
				•				

VEGETATION (Five Strata) - Use scientific names of plants.

	Absolute	Dominan	t Indicator	Dominance Test worksheet:
Tree Stratum (Plot size: 30-foot radius) 1. N/A			? Status	Number of Dominant Species That Are OBL, FACW, or FAC:7 (A)
2				Total Number of Dominant Species Across All Strata:11 (B)
4				
5				Percent of Dominant Species That Are OBL, FACW, or FAC: 63.6 (A/B)
6				
	0	= Total Co	over	Prevalence Index worksheet:
50% of total cover:	20% of	total cove	er:	Total % Cover of: Multiply by:
Sapling Stratum (Plot size: 30-foot radius)				OBL species x 1 =
1. N/A				FACW species x 2 =
2				FAC species x 3 =
3.				FACU species x 4 =
4.				UPL species x 5 =
COV.				Column Totals:0 (A)0 (B)
5				D
6	0	- Total Co	nv(0.r	Prevalence Index = B/A =0
	W- 17			Hydrophytic Vegetation Indicators:
50% of total cover:	20% 01	r total cove	er	1 - Rapid Test for Hydrophytic Vegetation
Shrub Stratum (Plot size:30-foot radius)				✓ 2 - Dominance Test is >50%
1. <u>N/A</u>				. 3 - Prevalence Index is ≤3.01
2		-		Problematic Hydrophytic Vegetation¹ (Explain)
3				,
4		_		Indicators of hydric soil and wetland hydrology must
5			-0	be present, unless disturbed or problematic.
6				Definitions of Five Vegetation Strata:
	0	= Total Co	over	Tree – Woody plants, excluding woody vines,
50% of total cover:	20% of	f total cove	er:	approximately 20 ft (6 m) or more in height and 3 in.
Herb Stratum (Plot size: 30-foot radius)				(7.6 cm) or larger in diameter at breast height (DBH).
Toxicodendron radicans	<1	Yes	FAC	Sapling – Woody plants, excluding woody vines,
2. Acalypha gracilens	<1	Yes	FAC	approximately 20 ft (6 m) or more in height and less
3. Chasmanthium laxum	<1	Yes	FACW	than 3 in. (7.6 cm) DBH.
4. Juncus secundus	<1	Yes	FAC	Shrub – Woody plants, excluding woody vines,
5. Chamaecrista fasciculata	<1	Yes	FACU	approximately 3 to 20 ft (1 to 6 m) in height.
6. Smilax rotundifolia	<1	Yes	FAC	Herb – All herbaceous (non-woody) plants, including
7. Amaranthus hydridus	<1	Yes	UPL	herbaceous vines, regardless of size, and woody
8. Diodia virginiana	<1	Yes	FACW	plants, except woody vines, less than approximately
9. Phyllanthus caroliniensis	<1	Yes	FAC	3 ft (1 m) in height.
10. Eupatorium capillifolium	<1	Yes	FACU	Woody vine - All woody vines, regardless of height.
		Yes	FACU	
11. Eurybia compacta?	<1			
		= Total Co		Chapter 5 of the Regional Supplement states "The goal
50% of total cover: <u><5.5</u>	20% of	f total cove	er: _<2.2	is to determine the plant community that would occupy the site under normal circumstances, if the vegetation
Woody Vine Stratum (Plot size: 30-foot radius)				were not cleared or manipulated." It lists 5 possible
1. <u>N/A</u>				ways to do this: 1) examine volunteer species, 2) look
2				for undisturbed reference, 3) check NRCS reports, 4)
3				examine pre-farming aerials, etc. & 5) cease cropping and see what plant community develops.
4.				and see that plant comments are topo.
5.		4		Hydrophytic
W23.	0	= Total C	over	Vegetation
50% of total cover:				Present? Yes No
Remarks: (If observed, list morphological adaptations belo			reno di	

Plot taken within active cropland so no T, SAP, SHR or WV strata present. Per Chapter 5 of the Regional Supplement, the vegetation factor will be evaluated based on the volunteer (i.e., not planted) species that were observed in the plot. The sample plot was planted in soybean (Glycine max) which at the time of the field visit comprised ~80% of the veg cover. Unidentified species are assumed to have an UPL field indicator status.

Sampling Point: DP-01

SOIL

SOIL				4 440 .	to dia atan	or confirm	the absence	of Indicators)			
		to the dep	th needed to docum			OF COMMEN	I tile absence	of Maioutors.			
Depth (inches)	Matrix Color (moist)	%	Color (moist)	x Feature %	Type	Loc ²	Texture	Remarks			
(inches) 0 to 12	10YR3/1	100	N/A	N/A	N/A	N/A	sil	Ap			
12 to 23+	2.5Y5/1	95	10YR5/4	5	С	M	sil	B; prominent			
12 10 237	2.313/3		1071374								

¹Type: C=Cc	oncentration, D=Dep	letion, RM	=Reduced Matrix, MS	S≂Maske	d Sand Gr	ains.		PL=Pore Lining, M=Matrix. For Problematic Hydric Solis ³ :			
-		able to all	LRRs, unless other			рреті		Muck (A9) (LRR O)			
Histosol	(A1) ipedon (A2)		Polyvalue Be Thin Dark Su				,	Muck (A10) (LRR S)			
Black His	•		Loamy Muck					Reduced Vertic (F18) (outside MLRA 150A,B)			
-	n Sulfide (A4)		Loamy Gleye	ed Matrix	(F2)			nont Floodplain Soils (F19) (LRR P, S, T)			
ı -	Layers (A5)		Depleted Ma	-	CO)			alous Bright Loamy Soits (F20) RA 153B)			
	Bodies (A6) (LRR P cky Mineral (A7) (LI		Redox Dark Depleted Da					Parent Material (TF2)			
-	esence (A8) (LRR L		Redox Depre					Shallow Dark Surface (TF12)			
*	ck (A9) (LRR P, T)	,	Mari (F10) (L				Other	(Explain in Remarks)			
	Below Dark Surfac	e (A11)	Depleted Oc				arı 3 _{lm e} ti	cators of hydrophytic vegetation and			
	rk Surface (A12) airie Redox (A16) (I	MI DA 150	Iron-Mangan A) Umbric Surfa				•	etland hydrology must be present,			
	lucky Mineral (S1) (I		· _					less disturbed or problematic.			
	leyed Matrix (S4)	,,	Reduced Ve				}				
Sandy R	edox (S5)		Piedmont Flo					5 4E2IS)			
	Matrix (S6)	e T 111	Anomalous I	Bright Los	amy Soils	(F20) (NIL1	RA 149A, 1530	پر 153D)			
	face (S7) (LRR P, S _ayer (if observed)										
Type: <u>N//</u>											
	ches): N/A						Hydric Soi	I Present? Yes _ ✓ _ No			
Remarks:				***							
Well-develo	ped plow zone. No	o oxidized	rhizospheres observ	ved, but a	mount of	organics i	in Ap could m	ask their presence.			
·											
F13 not app	licable because not	a depress	ion or other concave	: iandsca	pe positio	11.					
Farm 3627,	Tract 4554, Fields	11-12 det	ermined by NRCS to	be PC-c	cropland o	n 03 July	2013 (NRCS-	CPA-026e).			

Smith Farms NAO-1998-02184 (98-R5657 and 13-V0134) (Smith Farm 98-R5657) Field visit on 24 Oct 2013



Photo 1: Datapoint DP-01 looking W from edge of soybean field toward Shoulders Hill Road in Suffolk, VA. Just north of wettest signature on available aerials, but no obvious wetter-looking area was evident during the field visit.



Photo 2: Same as Photo 1. No observed field indicators of wetland hydrology nor obvious difference in crop vigor.

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Smith Farms NAO-1998-02184 (98-R5657 and 13-V0134) City/Co	ounty; Suffolk	Sampling Date: 24 Oct 2013						
Applicant/Owner: Smith Farms Enterprises or Boyd & Boyd P.C. c/o Mr. Jam		Sampling Point: DP-02						
Investigator(s): S. Martin & D. Knepper Section, Township, Range: N/A								
Landform (hillslope, terrace, etc.): Mineral soil flat Local		Slope (%): N/A						
Subregion (LRR or MLRA): T Lat: 36.826522°	Long: -76.452277°	Datum: WGS84						
Torbunta Joan (Typic Humaquents)	NWI classi	Gentlon: E of mapped Pf						
Soil Map Unit Name: Torhunta Ioam (Typic Humaquepts)	1 VVV Classi	Comprise)						
Are climatic / hydrologic conditions on the site typical for this time of year? You								
Are Vegetation Y, Soil Y, or Hydrology Y significantly disturb		" present? Yes No _ ✓ _						
Are Vegetation N , Soil N , or Hydrology N naturally problems	tic? (If needed, explain any ansv	vers in Remarks.)						
SUMMARY OF FINDINGS - Attach site map showing same	pling point locations, transec	ts, important features, etc.						
Hydrophytic Vegetation Present? Yes No _ ✓								
Hydric Soil Present? Yes ✓ No	Is the Sampled Area	No ✓						
Wetland Hydrology Present? Yes ✓ No	within a Wetland? Yes	NO ¥						
Remarks:		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						
Plot taken along E edge of active cropland in vicinity of questionable hydrology signatures on recent aerial photography - chose the lowest looking area in the immediate area although aerial signatures look stronger to the W. Plot taken within active cropland so vegetation manipulated (planted with soybeans) and soil disturbed (well-developed plow zone). Local onsite hydrology has been manipulated (field crowning and associated ditches) since prior to the CWA. Chapter 5 of the Regional Supplement & Atypical Situations are applicable. Per Lake Kilby data the precipitation for August was just above the 30th percentile and for September was well below the 30th percentile.								
HYDROLOGY								
Wetland Hydrology Indicators:		icators (minimum of two required)						
Primary Indicators (minimum of one is required; check all that apply)		Surface Soil Cracks (B6)						
Surface Water (A1) Aquatic Fauna (B13)		Sparsely Vegetated Concave Surface (B8)						
High Water Table (A2) Marl Deposits (B15) (LRF	· · · ·	Drainage Patterns (B10)						
Saturation (A3) Hydrogen Sulfide Odor (C		Lines (B16)						
Water Marks (B1) Oxidized Rhizospheres a		on Water Table (C2)						
Sediment Deposits (B2) Presence of Reduced Iro		Visible on Aerial Imagery (C9)						
Drift Deposits (B3) Recent Iron Reduction in		nic Position (D2)						
Algal Mat or Crust (B4) Thin Muck Surface (C7) Other (Fundain in Remark		quitard (D3)						
Iron Deposits (B5) Other (Explain in Remark	✓ FAC-Neut	, , ,						
Inundation Visible on Aerial Imagery (B7) Water-Stained Leaves (B9)		n moss (D8) (LRR T, U)						
Field Observations:								
Surface Water Present? Yes No _ ✓ _ Depth (inches): _N//								
Water Table Present? Yes ✓ No Depth (inches): 20								
Saturation Present? Yes ✓ No Depth (inches): >12		ent? Yes ✓ No						
(includes capillary fringe)								
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:								
Remarks:								
C9 is not applicable because this indicator requires on-site verific	cation that saturation signatures se	en on photos correspond to						
hydric soils or other evidence of a seasonal high water table. Du	ring the field visit no obvious depr	ressions, stunted crops, or any						
other field indicator that would correspond to the aerial signature	e was observed.							
Recent rainfall records should be evaluated to see if C2 is clearly	met.							
D5 is met if non-dominants are considered. Considering the above and how sparse the non-planted, volunteer weedy species were it is hard to consider this a strong field indicator of wetland hydrology.								

		Dominant		Dominance Test worksheet:
Tree Stratum (Plot size: 30-foot radius)		Species?	Status	Number of Dominant Species
1. N/A				That Are OBL, FACW, or FAC: (A)
2.				Total Number of Dominant
3				Species Across All Strata: 1 (B)
4.				
5.				Percent of Dominant Species That Are OBL, FACW, or FAC:50 (A/B)
				mat Ale OBE, FAGW, OF FAG.
6		= Total Cov	er	Prevalence Index worksheet:
				Total % Cover of: Multiply by:
50% of total cover:	20% 6	r total cover:		OBL species x 1 = 0
Sapling Stratum (Plot size: 30-foot radius)				FACW species<6 x 2 =<12
1. <u>N/A</u>		_		FAC species<5
2				FACU species0 x 4 =0
3				
4				UPL species x 5 = <30
5.				Column Totals: (A) (B)
6.				Prevalence Index = B/A =3.35
<u> </u>	-	= Total Cov	er.	The state of the s
500/ -51-t-1				Hydrophytic Vegetation Indicators:
50% of total cover: Shrub Stratum (Plot size: 30-foot radius)	20% 0	i total cover		1 - Rapid Test for Hydrophytic Vegetation
				2 - Dominance Test is >50%
1. <u>N/A</u>				3 - Prevalence Index is ≤3.01
2				Problematic Hydrophytic Vegetation¹ (Explain)
3				
4				Indicators of hydric soil and wetland hydrology must
5				be present, unless disturbed or problematic.
6.				Definitions of Five Vegetation Strata:
		= Total Cov		- 11
50% of total cover:				Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in.
Herb Stratum (Plot size: 30-foot radius)	2070 0	r total ooron		(7.6 cm) or larger in diameter at breast height (DBH).
D	<5	Yes	FAC	
-	<5	Yes		Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less
2. Ranunculus sp.			FACW	than 3 in. (7.6 cm) DBH.
3. Commelina diffusa	2			3841094800000 38718000 44005000000000000000000000000000000
4. Hypericum mutilum			FACW	Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.
5. Paspalum laeve	1		FACW	approximately 3 to 20 ft (1 to 0 m) in height.
6. Setaria parviflora	<1		FACW	Herb – All herbaceous (non-woody) plants, including
7. Sida spinosa	<1		UPL	herbaceous vines, regardless of size, <u>and</u> woody plants, except woody vines, less than approximately
8.				3 ft (1 m) in height.
9.				
10				Woody vine – All woody vines, regardless of height.
11.		= Total Cov		
				Chapter 5 of the Regional Supplement states "The goal is to determine the plant community that would occupy
50% of total cover: <u><8.5</u>	^{20%} o	f total cover	<3.4	the site under normal circumstances, if the vegetation
Woody Vine Stratum (Plot size: 30-foot radius)				were not cleared or manipulated." It lists 5 possible
1. <u>N/A</u>				ways to do this: 1) examine volunteer species, 2) look
2				for undisturbed reference, 3)check NRCS reports, 4)
3				examine pre-farming aerials, etc. & 5) cease cropping and see what plant community develops.
4				and see that plant commandy develops.
5.				Hydrophytic
	0	= Total Cov	er	Vegetation
50% of total cover:				Present? Yes No _ ✓
		c.ui covei		
Remarks: (If observed, list morphological adaptations belo		anter & of the 1	Pagional Cu-	plement, the vegetation factor will be evaluated based on the
Plot taken within active cropland so no T, SAP, SHR or WV strata prevolunteer (i.e., not planted) species that were observed in the plot. The	sample plot	was planted it	regional sup i soybean (Gl	lycine max) which at the time of the field visit comprised ~85% of
the veg cover. Unidentified species are assumed to have an UPL field				one and X

Sampling Point: DP-02

SOIL

Profile Desc	ription: (Describe	to the dep	th needed to docum	ent the	ndicator	or confirm	n the absence	of indicator	s.)	
Depth	Matrix			Feature		Loc ²	Texture		Remarks	
(inches)	Color (moist)	<u>%</u>	Color (moist)	<u>%</u>	Type' N/A	N/A	sil	An	IVCIII:81113	
0 to 12	10YR2/1	100	N/A	N/A			scl	Ap		
12 to 22+	10YR5/1	85	10YR5/6-5/8	15	<u>C</u>	<u>M</u>	SCI	B; promine	::::::::::::::::::::::::::::::::::::::	
								····		
****		. ———		*****						
						·	21	DI Dara Liu	sing M-Matrix	
'Type: C=Co	oncentration, D=Dep	letion, RM	=Reduced Matrix, MS LRRs, unless other	.≕Maske	Sand Gr	ains.			ning, M=Matrix natic Hydric S	
-		able to all				88 C T		Muck (A9) (L		
, Histosol	•		Polyvalue Bel Thin Dark Sur				,	Muck (A3) (** Muck (A10) (*		
Black Hi	nipedon (A2)		Loamy Mucky	•					18) (outside M	LRA 150A,B)
	n Sulfide (A4)		Loamy Gleye			,			in Soils (F19) (
	Layers (A5)		Depleted Mat				121100000		Loamy Soils (F	
•	Bodies (A6) (LRR P	, T, U)	Redox Dark S	Surface (F6)		(ML	RA 153B)		
5 cm Mu	cky Mineral (A7) (Li	RR P, T, U	Depleted Dari	k Surface	e (F7)			Parent Materi		
Muck Pr	esence (A8) (LRR U	 }	Redox Depre	-	8)				Surface (TF12	?)
٠,	ck (A9) (LRR P, T)		. Marl (F10) (L l				Other	(Explain in F	(emarks)	
	Below Dark Surfac	e (A11)	Depleted Och					antara of hud	ranhidia va dat	otion and
•	irk Surface (A12) rairie Redox (A16) (I	MI 13 A 4 E O	Iron-Mangane A) Umbric Surfa						rophytic vegeta gy must be pre	
· —	aine Redox (A16) (r lucky Mineral (S1) (I		Delta Ochric			, 0,			d or problemati	
•	ileyed Mátrix (S4)		Reduced Verl		-	50A, 150B				
•	edox (S5)		Piedmont Flo		-					
•	Matrix (S6)						RA 149A, 1530	C, 153D)		
Dark Sur	face (S7) (LRR P, \$	S, T, U)								
	.ayer (if observed):									
Туре: <u>N//</u>	<u> </u>									
Depth (inc	ches): N/A						Hydric Sol	I Present?	Yes _ / _	No
Remarks:										
Well-develo	ped plow zone. No	oxidized	rhizospheres observe	eđ, but a	mount of	organics	in Ap could m	ask their pre	sence.	
F12	I	a dammana	an an ather sangara	landaaar	o nasitia					
F13 not app	neable because not	a depressi	on or other concave	ianuscap	e positio	1.				
Farm 3627,	Tract 4554, Fields	1-10 deter	mined by Greg Hami	mer, NR	CS to be	PC-cropla	and on 03 July	2013.		

Smith Farms NAO-1998-02184 (98-R5657 and 13-V0134) (Smith Farm 98-R5657) Field visit on 24 Oct 2013

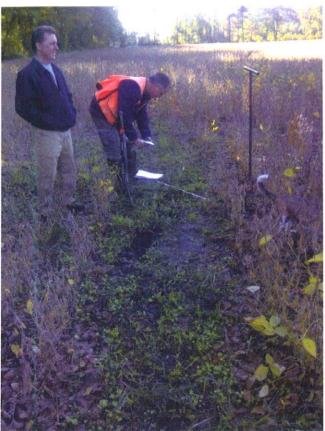


Photo 3: Looking S at DP-02. Plot was taken in wettest looking area in the immediate vicinity, but per GPS location it was east of wettest aerial signature in this field.



Photo 4: Same as Photo 3, looking at soil profile at DP-02.

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Smith Farms NAO-1998-02184 (98-R5657 and 13-V0134) City	County: Chesapeake	Sampling Date: 24 Oct 2013					
Applicant/Owner: Smith Farms Enterprises or Boyd & Boyd P.C. c/o Mr. Ja		Sampling Point: DP-03					
Investigator(s): S. Martin & D. Knepper Sec							
Landform (hillslope, terrace, etc.): Mineral soil flat Local	al relief (concave, convex, none); discern	able depression Slope (%); 0 to 1					
Subregion (LRR or MLRA): T Lat: 36.820409	0° Long: -76.451964°	Datum: WGS84					
Soil Map Unit Name: Tomotley-Deloss complex, 0 to 1 percent slopes (T	vnic Endoaguutts)	sification: Not mapped as wetland					
Are climatic / hydrologic conditions on the site typical for this time of year?							
Are Vegetation Y, Soil Y, or Hydrology Y significantly distribution of the vegetation of the vegetatio	urbed? Are "Normal Circumstance						
Are Vegetation ${\color{red}N}$, Soil ${\color{red}N}$, or Hydrology ${\color{red}N}$ naturally problem	natic? (If needed, explain any ans	wers in Remarks.)					
SUMMARY OF FINDINGS - Attach site map showing sa	mpling point locations, transec	cts, important features, etc.					
Hydrophytic Vegetation Present? Yes _ ✓ _ No							
Hydric Soil Present? Yes ✓ No	Is the Sampled Area						
Welland Hydrology Present? Yes ✓ No	within a Wetland? Yes	. ✓ No					
Remarks:							
Plot taken along S edge of cropland in area that had consistent, strong hydrology signatures on available recent aerial photography. Plot taken within an area that appeared to not have been planted but upslope areas planted to soybeans. Soil disturbed (plow zone), looks like it was recently tilled. Field crowning not evident in this portion of the field. Chapter 5 of the Regional Supplement & Atypical Situations are applicable. Per Lake Kilby data the precipitation for August was just above the 30th percentile and for September was well below the 30th percentile.							
HYDROLOGY							
Wetland Hydrology Indicators:	Secondary In	dicators (minimum of two required)					
Primary Indicators (minimum of one is required; check all that apply)	Surface S	Soil Cracks (B6)					
✓ Surface Water (A1) ✓ Aquatic Fauna (B13)	Sparsely	Vegetated Concave Surface (B8)					
✓ High Water Table (A2) Marl Deposits (B15) (LI	RR U) Drainage	Patterns (B10)					
✓ Saturation (A3) Hydrogen Sulfide Odor	` '	m Lines (B16)					
	• • • •	on Water Table (C2)					
Sediment Deposits (B2) Presence of Reduced I		Burrows (C8)					
Drift Deposits (B3) Recent Iron Reduction	• •	n Visible on Aerial Imagery (C9)					
Algal Mat or Crust (B4) Thin Muck Surface (C7		hic Position (D2)					
Iron Deposits (B5) Other (Explain in Rema	•	Aquitard (D3)					
✓ Inundation Visible on Aerial Imagery (B7)		tral Test (D5) m moss (D8) (LRR T, U)					
Water-Stained Leaves (B9)	Spragnu	minoss (Do) (LRK 1, O)					
Field Observations:	10.4						
Surface Water Present? Yes ✓ No Depth (inches): _3							
Water Table Present? Yes ✓ NoDepth (inches): 0		nont? You / No					
Saturation Present? Yes _ ✓ _ No Depth (inches): 0 (includes capillary fringe)	(surface) Wetland Hydrology Pre	sent? Yes <u></u> No					
Describe Recorded Data (stream gauge, monitoring well, aerial photos, p	revious inspections), if available:						
Remarks:							
	in discontinuo anno an abatas acess	anaudad ta a dissamahla					
B7 & C9 are met because on-site field visit verified that saturat depression, hydric soils, widespread ponding, & lack of crops (sponded to a discernable					
depression, ny arie sons, widespress pontaing, to went or or open	not pramite octanos too 1144).						
B13 - tadpoles were very common in ponded areas during the f	ield visit.						
Listed field indicators of wetland hydrology were observed dur	ing the field visit.						
, .,,							

VEGETATION (Five Strata) - Use scientific names of plants.

	Absolute	Dominant	Indicator	Dominance Test worksheet:
Tree Stratum (Plot size: 30-foot radius) 1. N/A		Species?		Number of Dominant Species That Are OBL, FACW, or FAC: (A)
2				Total Number of Dominant
3				Species Across All Strata:2 (B)
4.				1 PM I POLICIO A CARCINO A
5.				Percent of Dominant Species That Are OBL, FACW, or FAC:(A/B)
500				I That Ale OBL, FACTV, or FAC.
6		= Total Cov		Prevalence Index worksheet:
500/ 61 1 1				Total % Cover of: Multiply by:
50% of total cover:	20% of	total cover.		OBL species x 1 =
Sapling Stratum (Plot size: 30-foot radius)				FACW species x 2 =
1. <u>N/A</u>				FAC species x 3 =
2				FACU species x 4 =
3				UPL species x 5 =
4				Control of the Contro
5				Column Totals:0 (A)0 (B)
6.				Prevalence Index = B/A =0
		= Total Cov	er	Hydrophytic Vegetation Indicators:
50% of total cover:	1			1 - Rapid Test for Hydrophytic Vegetation
Shrub Stratum (Plot size: 30-foot radius)				
NI/A				2 - Dominance Test is >50%
1. <u>N/A</u>				. 3 - Prevalence Index is ≤3.01
2				Problematic Hydrophytic Vegetation¹ (Explain)
3				
4				¹ Indicators of hydric soil and wetland hydrology must
5				be present, unless disturbed or problematic.
6				Definitions of Five Vegetation Strata:
	0	= Total Cov	er	Tree – Woody plants, excluding woody vines,
50% of total cover:	20% of	total cover:		approximately 20 ft (6 m) or more in height and 3 in.
Herb Stratum (Plot size: 30-foot radius)				(7.6 cm) or larger in diameter at breast height (DBH).
1. Panicum capillare	70	Yes	FAC	Sapling - Woody plants, excluding woody vines,
2. Setaria parviflora		Yes	FACW	approximately 20 ft (6 m) or more in height and less
	20	8		than 3 in. (7.6 cm) DBH.
Ludwigia palustris	6		OBL	Shrub – Woody plants, excluding woody vines,
5. Cyperus flavicomus	3	-	FACW	approximately 3 to 20 ft (1 to 6 m) in height.
	(20)		FACW	Hart All barbarasus (non woods) plants including
	<3	-	OBL	Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size, and woody
7. Juncus acuminatus			FACW	plants, except woody vines, less than approximately
8. Echinochloa muricata v. muricata	-	(%)		3 ft (1 m) in height.
9. Commelina diffusa			FACW	Woody vine - All woody vines, regardless of height.
10. Eleocharis obtusa	<1		OBL	viola, viii
11. Ammannia latifolia	<1		OBL	
	154	= Total Cov	er	Chapter 5 of the Regional Supplement states "The goal
50% of total cover: _77	20% of	total cover	30.8	is to determine the plant community that would occupy
Woody Vine Stratum (Plot size: 30-foot radius)	100000000000000000000000000000000000000			the site under normal circumstances, if the vegetation
1. N/A				were not cleared or manipulated." It lists 5 possible ways to do this: 1) examine volunteer species, 2) look
				for undisturbed reference, 3) check NRCS reports, 4)
2.				examine pre-farming aerials, etc. & 5) cease cropping
3				and see what plant community develops.
4				*
5				Hydrophytic
		= Total Cov		Vegetation Present? Yes ✓ No
50% of total cover:	20% of	total cover		11030HL1 103 NO
Remarks: (If observed, list morphological adaptations below	ww.)			

Plot taken within active cropland so no T, SAP, SHR or WV strata present. Per Chapter 5 of the Regional Supplement, the vegetation factor will be evaluated based on the volunteer (i.e., not planted) species that were observed in the plot. The majority of this farm field was planted in soybean (Glycine max), but not the area where the datapoint was taken (representative of a ~0.5-acre triangle). Unidentified species are assumed to have an UPL field indicator status.

Sampling Point: DP-03

SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.) Depth Matrix Redox Features
O to 6 I0YR3/I-3/2 100 N/A N/A N/A N/A sl Ap 6 to 12 10YR2/I 50 N/A N/A N/A N/A Scl B 10YR4/I 50 N/A N/A N/A N/A N/A Scl B 12 to 18+ — — — — — — — — — not recorded 'Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. °Location: PL=Pore Lining, M=Matrix. Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) Indicators for Problematic Hydric Soils³:
6 to 12 10YR2/1 50 N/A N/A N/A N/A N/A Scl B 10YR4/1 50 N/A N/A N/A N/A N/A Scl B 12 to 18+
10YR4/I 50 N/A N/A N/A N/A Scl B 12 to 18+ not recorded Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)
12 to 18+ 12 to 18+ 17 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 18 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 19 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 10 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 10 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 11 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 12 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 13 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 14 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 15 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 16 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 17 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 18 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 19 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 10 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 10 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 10 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 10 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 10 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 10 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 11 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 12 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 15 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 16 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 17 Type: C=Concentration, D=Depletion, RM=Reduced Matrix
Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. 2 Location: PL=Pore Lining, M≈Matrix. Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) Indicators for Problematic Hydric Soils³:
Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) Indicators for Problematic Hydric Soils ³ :
Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) Indicators for Problematic Hydric Soils ³ :
Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) Indicators for Problematic Hydric Soils ³ :
Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) Indicators for Problematic Hydric Soils ³ :
Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) Indicators for Problematic Hydric Soils ³ :
Histosol (A1) Polyvalue Below Surface (S8) (LRR S, T, U) 1 cm Muck (A9) (LRR O)
Histic Epipedon (A2) Thin Dark Surface (S9) (LRR S, T, U) Right Histic (A3) Loamy Mucky Mineral (F1) (LRR O) Reduced Vertic (F18) (outside MLRA 150A,B)
Black Histic (A3) Loamy Mucky Mineral (F1) (LRR O) Reduced Vertic (F18) (outside MLRA 150A, B) Hydrogen Sulfide (A4) Loamy Gleyed Matrix (F2) Piedmont Floodplain Soils (F19) (LRR P, S, T)
Stratified Layers (A5) Depleted Matrix (F3) Anomalous Bright Loamy Soils (F20)
Organic Bodies (A6) (LRR P, T, U) Redox Dark Surface (F6) (MLRA 153B)
5 cm Mucky Mineral (A7) (LRR P, T, U) Depleted Dark Surface (F7) Red Parent Material (TF2) Muck Presence (A8) (LRR U) Redox Depressions (F8) Very Shallow Dark Surface (TF12)
Muck Presence (A8) (LRR U) 1 cm Muck (A9) (LRR P, T) Redox Depressions (F8) Marl (F10) (LRR U) Very Shallow Dark Surface (TF12) Other (Explain in Remarks)
Depleted Below Dark Surface (A11) Depleted Ochric (F11) (MLRA 151)
Thick Dark Surface (A12) Iron-Manganese Masses (F12) (LRR O, P, T) Indicators of hydrophytic vegetation and
Coast Prairie Redox (A16) (MLRA 150A) ✓ Umbric Surface (F13) (LRR P, T, U) wetland hydrology must be present,
Sandy Mucky Mineral (S1) (LRR O, S) Delta Ochric (F17) (MLRA 151) unless disturbed or problematic. Sandy Gleyed Matrix (S4) Reduced Vertic (F18) (MLRA 150A, 150B)
Sandy Redox (S5) Piedmont Floodplain Soils (F19) (MLRA 149A)
Stripped Matrix (S6) Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D)
Dark Surface (S7) (LRR P, S, T, U)
Restrictive Layer (if observed):
Type; N/A Depth (inches): N/A Hydric Soil Present? Yes _ ✓ _ No
Remarks: All agreed that these soils are hydric (close to meeting F13, did not look close enough for possible redox in dark matrix to see if F6 met).
Less-developed plow zone. No oxidized rhizospheres observed, but amount of organics in Ap could mask their presence.
Farm 3627, Tract 4554, Fields 1-10 determined by Greg Hammer, NRCS to be PC-cropland on 03 July 2013.
$oldsymbol{\cdot}$

Smith Farms NAO-1998-02184 (98-R5657 and 13-V0134) (Smith Farm 98-R5657) Field visit on 24 Oct 2013



Photo 5: Datapoint DP-03 looking N from field edge at depressional area with widespread ponding, strongly hydrophytic plant community, etc. This portion of the farm field was either not planted or the soybeans did not germinate.



Photo 6: Same as Photo 5



<u>Photo 7</u>: Looking at DP-03. Note ponding and dense herbaceous cover.



<u>Photo 8</u>: Veg within DP-03: Setaria parviflora, Ranunculus sp., and others.



<u>Photo 9</u>: Same as Photo 8, but with more *Cyperus flavicomus*, *Ludwigia palustris* and others.



<u>Photo 10</u>: Tadpoles were very common throughout the ponded area in the southern portion of the field. Gives idea of duration.



<u>Photo 11</u>: Looking SW at unplanted, wet field depression.



Photo 12: Looking N along east edge of ponded area. Planting edge looks straight, suggesting ponded area was intentionally left unplanted.

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Smith Farms NAO-1998-02184 (98-R5	657 and 13-V0134) City/County: Chesapeake / Suff	olk Sampling Date: 24 Oct 2013						
	rd & Boyd P.C. c/o Mr. James M. Boyd							
	Section, Township, Range: N							
	Local relief (concave, convex,							
Landorm (missope, terrace, etc.).	Lat: 36.822223° Long:	76.448710° Datum WGS84						
Subregion (LRR or MLRA): T	Oto 1 percent clones (Typic Endoscupts)	Not manned as wetland						
Soil Map Unit Name: Tomottey-Deloss complex,	0 to 1 percent slopes (Typic Endoaquults)	NWI classification:						
Are climatic / hydrologic conditions on the site typical for this time of year? Yes No								
Are Vegetation \underline{Y} , Soil \underline{Y} , or Hydrology	Y significantly disturbed? Are "Normal	Circumstances" present? Yes No _ ✓						
Are Vegetation N , Soil N , or Hydrology	N naturally problematic? (If needed, e	explain any answers in Remarks.)						
SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.								
Hydrophytic Vegetation Present? Yes	No _ ✓ Is the Sampled Area							
	/ No	V M/						
	V = NO = — within a Wetland?	Yes No ✓						
Remarks:								
Plot taken in center of active cropland in only area that had questionable hydrology signatures on recent aerial photography. Plot taken within active cropland so vegetation manipulated (planted with soybeans) and soil disturbed (well-developed plow zone). Local onsite hydrology has been manipulated (field crowning and associated ditches) since prior to the CWA. Chapter 5 of the Regional Supplement & Atypical Situations are applicable. Per Lake Kilby data the precipitation for August was just above the 30th percentile and for September was well below the 30th percentile. October precipitation has been within the 30th to 70th percentile.								
HYDROLOGY								
Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)						
Primary Indicators (minimum of one is required;	check all that apply)	Surface Soil Cracks (B6)						
Surface Water (A1)	Aquatic Fauna (B13)	Sparsely Vegetated Concave Surface (B8)						
High Water Table (A2)	Marl Deposits (B15) (LRR U)	Drainage Patterns (B10)						
Saturation (A3)	Hydrogen Sulfide Odor (C1)	Moss Trim Lines (B16)						
Water Marks (B1)	Oxidized Rhizospheres along Living Roots (C3)	Dry-Season Water Table (C2)						
Sediment Deposits (B2)	Presence of Reduced Iron (C4)	Crayfish Burrows (C8)						
Drift Deposits (B3)	Recent Iron Reduction in Tilled Soils (C6)	Saturation Visible on Aerial Imagery (C9)						
Algal Mat or Crust (B4)	Thin Muck Surface (C7)	✓ Geomorphic Position (D2)						
Iron Deposits (B5)	Other (Explain in Remarks)	Shallow Aquitard (D3)						
Inundation Visible on Aerial Imagery (87)		FAC-Neutral Test (D5)						
Water-Stained Leaves (B9)		Sphagnum moss (D8) (LRR T, U)						
Field Observations:	(Dett Certify M/A							
	Depth (inches): N/A	,						
	Depth (inches): N/A	N. J.						
Saturation Present? Yes No _ (includes capillary fringe)	✓ _ Depth (inches): N/A Wetland h	lydrology Present? Yes No _✓						
Describe Recorded Data (stream gauge, monitor	ing well, aerial photos, previous inspections), if ava	ilable:						
Remarks:								
hydric soils or other evidence of a seasona observed and the soybeans in this area we	or requires on-site verification that saturation all high water table. During the field visit and re very slightly stunted in comparison to adjudy C9 as present, I would have to review addition or evaluating remote sensing data.	extremely shallow depression was acent plantings (so D2 considered						
No other listed field indicators of wetland	hydrology were observed during the field v	isit.						

VEGETATION (Five Strata) - Use scientific names of plants.

/EGETATION (Five Strata) - Use scientific n	ames of plants.	Sampling Point: DP-04
	Absolute Dominant Indicator	Dominance Test worksheet:
Tree Stratum (Plot size: 30-foot radius) 1. N/A	% Cover Species? Status	Number of Dominant Species That Are OBL, FACW, or FAC:0 (A)
2		Total Number of Dominant
3		Species Across All Strata: 1 (B)
4.		Percent of Dominant Species
5.		That Are OBL, FACW, or FAC:0(A/B)
6.		
	= Total Cover	Prevalence Index worksheet:
50% of total cover:	20% of total cover:	Total % Cover of:Multiply by:
Sapling Stratum (Plot size: 30-foot radius)		OBL species x 1 =
1. N/A		FACW species x 2 =
2.		FAC species x 3 =
3		FACU species x 4 =
4.		UPL species x 5 =
5.		Column Totals:0 (A)0 (B)
6.		Prevalence Index = B/A =0
	0 = Total Cover	Hydrophytic Vegetation Indicators:
50% of total cover:	20% of total cover:	1 - Rapid Test for Hydrophytic Vegetation
Shrub Stratum (Plot size: 30-foot radius)	T.	2 - Dominance Test is >50%
1. <u>N/A</u>		3 - Prevalence Index is ≤3.0¹
2.		Problematic Hydrophytic Vegetation¹ (Explain)
3.		, Problematic Hydrophytic Vegetation (Explain)
4.		Indicators of hydric coil and wetland hydrology must
5		Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
6		Definitions of Five Vegetation Strata:
u	0 = Total Cover	
50% of total cover:	20% of total cover:	Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in.
Herb Stratum (Plot size: 30-foot radius)		(7.6 cm) or larger in diameter at breast height (DBH).
1. Ranunculus sp.	<1 Yes (UPL)	Sapling – Woody plants, excluding woody vines,
2.		approximately 20 ft (6 m) or more in height and less
3.		than 3 in. (7.6 cm) DBH.
4.		Shrub – Woody plants, excluding woody vines,
5		approximately 3 to 20 ft (1 to 6 m) in height.
6		Herb – All herbaceous (non-woody) plants, including
7		herbaceous vines, regardless of size, and woody
8.		plants, except woody vines, less than approximately 3 ft (1 m) in height.
9		A. A
10		Woody vine - All woody vines, regardless of height.
11		
2.10.4	1 = Total Cover	Chapter 5 of the Regional Supplement states "The goal
50% of total cover	20% of total cover:	is to determine the plant community that would occupy
Woody Vine Stratum (Plot size: 30-foot radius)		the site under normal circumstances, if the vegetation
1. N/A		were not cleared or manipulated." It lists 5 possible ways to do this: 1) examine volunteer species, 2) look
2		for undisturbed reference, 3)check NRCS reports, 4)
		examine pre-farming aerials, etc. & 5) cease cropping
3		and see what plant community develops.
4		
5	= Total Cover	Hydrophytic Vegetation
E00/ - #1-1-1		Present? Yes No _ ✓ _
50% of total cover:	20% of total cover:	

Remarks: (If observed, list morphological adaptations below).

Plot taken within active cropland so no T, SAP, SHR or WV strata present. Per Chapter 5 of the Regional Supplement, the vegetation factor will be evaluated based on the volunteer (i.e., not planted) species that were observed in the plot. The sample plot was planted in soybean (Glycine max) which at the time of the field visit comprised ~85% of the veg cover. Unidentified species are assumed to have an UPL field indicator status. Other than the planted soybeans, other vegetation is extremely sparse.

Sampling Point: DP-04

SOIL

Profile Desc	rintion: (Describe	to the der	th needed to docum	ent the	Indicator	or confirm	n the absence	of Indicators.)
Depth	Matrix	to the dep		c Feature				·
(inches)	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²	Texture	Remarks
0 to 9	10YR2/1	100	N/A	N/A	N/A	N/A	si	Ap
9 to 12+	10YR5/1-6/1	80	10YR5/4-5/6	20	С	M	scl	B; distinct
					,			
					-			
¹Tyne: C=C	oncentration D=Dec	letion RM	=Reduced Matrix, MS	=Maske	d Sand Gi	ains.	² Location:	PL=Pore Lining, M=Matrix.
			LRRs, unless other				Indicators	for Problematic Hydric Solls ³ :
. Histosol	(A1)		Polyvalue Be					Muck (A9) (LRR O)
	pipedon (A2)		Thin Dark Su					Muck (A10) (LRR S)
	stic (A3) n Sulfide (A4)		Loamy Muck Loamy Gleye			(O)		ced Vertic (F18) (outside MLRA 150A,B) nont Floodplain Soils (F19) (LRR P, S, T)
1.	l Layers (A5)		✓ Depleted Mai		(, 2)			alous Bright Loamy Soils (F20)
1 .	Bodies (A6) (LRR P	, T, U)	Redox Dark	-	F6)			RA 153B)
1 '	icky Mineral (A7) (Li							Parent Material (TF2)
	esence (A8) (LRR U	1)	Redox Depre Mari (F10) (L		-8)			Shallow Dark Surface (TF12) (Explain in Remarks)
1 .	ick (A9) (LRR P, T) d Below Dark Surfac	e (A11)	Depleted Ocl		(MLRA 1	51)	Othior	(mxptati iii reematiya)
1 '	ark Surface (A12)	,	Iron-Mangan		-			cators of hydrophytic vegetation and
	rairie Redox (A16) (I		· 	, ,				tland hydrology must be present,
1 '	lucky Mineral (S1) (I	LRR O, S)	Delta Ochric Reduced Ver					less disturbed or problematic.
I .	ileyed Matrix (S4) ledox (S5)		Piedmont Flo					·
1.	Matrix (S6)		*	•			RA 149A, 1530	C, 153 D)
	rface (S7) (LRR P, \$							
	Layer (if observed): A	i						
Type: N/							Hydric Sol	I Present? Yes _ ✓ _ No
Remarks:	ches): N/A	•••••••	·····				Tiyane don	11163011.
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their presen		HIICK. I	low zone present.	vo oxidiz	Xu IIII203	pricies ou.	sorvou, out um	ount of organics in 1 tp court music
					.00 . 1	na 1.	. 1 02 Il	2012
Farm 3627,	Tract 4554, Fields	I-10 deter	mined by Greg Ham	mer, NK	CS to be	PC-cropia	ana on 03 July	2013.
								•

Smith Farms NAO-1998-02184 (98-R5657 and 13-V0134) (Smith Farm 98-R5657) Field visit on 24 Oct 2013



Photo 13: Looking W at DP-04 within active soybean field. Note there is very little veg other than planted soybeans. Very slight depression and associated slightly stunted soybeans.

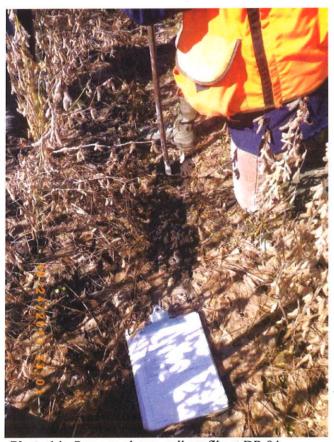


Photo 14: Same as above, soil profile at DP-04.

Shamet, Stefania

From:

Kaplan, David (ENRD) < David. Kaplan@usdoj.gov>

Sent:

Monday, December 23, 2013 3:27 PM

To:

Shamet, Stefania

Subject:

Smith Farm -- Conservation Easment Notice

Attachments:

20131220160236309.pdf

Hi Stef-

Non-responsive

Non-responsive

See the email below from Jim Boyd, transmitting his notice that Smith Farm placed the required conservation easement on the easements. I haven't reviewed the attachment yet.

David

From: Jim Boyd [mailto:jim@boydlaw.org] Sent: Saturday, December 21, 2013 3:10 PM

To: Kaplan, David (ENRD)

Cc: jim@boydlaw.org; linda@boydlaw.org

Subject: Fwd: Message from "RNP002673389A70"

Dear David,

I have sent to you and Steph, as of yesterday, via overnight delivery, notice of Smith Farm Enterprises, LLC's having fulfilled it's obligation under the Consent Decree to effect the placement of conservation easements over the specified acreages on the SmithFarm, Johnson and Kirk tracts. This e-mail is simply to provide you an electronic copy of that notice.

I am traveling and do not have Steph's e-mail address with me. I would appreciate your forwarding this e-mail to her and your acknowledgment of your receipt of the same from me, by your reply.

Thanks and Merry Christmas,

Jimmy

Linda, please copy David's reply to our file on receipt, thanks!

Sent from my iPad

Begin forwarded message:

From: copier@boyd.com

Date: December 20, 2013, 4:02:36 PM EST

To: "Jim" < jim@boydlaw.org>

Subject: Message from "RNP002673389A70"

This E-mail was sent from "RNP002673389A70" (Aficio MP C2551).

Scan Date: 12.20.2013 16:02:36 (-0500)

Queries to: copier@boyd.com

SMITH FARM ENTERPRISES, LLC

One Commercial Place 1405 Bank of America Center Norfolk, Virginia 23510

December 20, 2013

Via Federal Express and E-mail Tracking Number #7970 7668 4706

Stefania D. Shamet, Assistant Regional Counsel Water and General Law Branch Office of Regional Counsel United States Environmental Protection Agency Region III MC 3RC20
1650 Arch Street Philadelphia, Pennsylvania 19103-2029

Via Federal Express and E-mail Tracking Number #7974 7675 5275

Associate Director, Office of Environmental Programs Environmental Assessment and Innovation Division United States Environmental Protection Agency Region III MC 3EA40 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

Via Regular Mail and E-mail

David J. Kaplan
Trial Attorney
Environmental Defense Section
Environmental and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Re: Notice of Completed Tasks Pursuant to Consent Decree between United States of America and Smith Farm Enterprises, LLC

Dear Mrs. Shamet, Associate Director and Mr. Kaplan:

Please receive this Notice, pursuant to Section IV, "Specific Provisions" of the above referenced Consent Decree, of the completion of the following tasks by Smith Farm Enterprises, LLC, as required pursuant to said Consent Decree:

> Section IV "Specific Provisions, Preservation Areas", paragraph 1. 19 (a) a conservation easement on 15 acres on the Smith Farms site on November 20, 2013. 19(b) a conservation easement on 80 acres north of the Smith Farm site known as the "Johnson Tract" was effected on November 13, 2013. 19 (c) a conservation easement upon 235 known as the "Kirk Site" was effected on September 27, 2013.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel property gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Most sincerely yours,

James M. Boyd, Manager

Smith Farm Enterprises, LLC

JMB/lcp